



POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-063 (Rev. 02/18)
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 11-012, 96-029
Application: Executive Branch Agencies and Employees, Human Resources Officers	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-319	Rule: Chapter 1120-10

Subject:

Written Warnings

An employee may be disciplined for causes related to the performance of duties and/or conduct that may affect an employee's ability to successfully fulfill the requirements of the job. The Rules of the Department of Human Resources Chapter 1120-10-.03 contain a nonexclusive list of examples of disciplinary offenses which may warrant disciplinary action. The supervisor is responsible for maintaining the proper job performance level, conduct, and discipline of the employees under the supervisor's supervision. When corrective action is necessary, the supervisor should administer disciplinary action at the step appropriate to the infraction, conduct, or performance, as determined by the supervisor. If the supervisor determines that corrective action is necessary, the supervisor may issue a written warning to the employee, which is one of the corrective actions that may be used in the disciplinary action process.

If a written warning is issued, the supervisor shall clearly communicate to the employee the expected performance and/or conduct as outlined in the Department of Human Resources Rule 1120-10-.04. As part of that written communication to the employee, the supervisor shall document the performance and/or conduct issues. The letter to the employee shall state that the document is a written warning and notify the employee that a copy of the written warning shall be placed in the employee's personnel file. The letter shall also include information detailing the employee's ability to contest the disciplinary action.

A request for review of the written warning may be submitted by an employee to his or her appointing authority. The request must be made in writing to the appointing authority no later than fourteen (14) days from receipt of the written warning. The request for review should include any documentation of mitigating circumstances relevant to the disciplinary action. The appointing authority shall submit a written response to the employee within fifteen (15) days of receipt of the request for review. The decision of the appointing authority is final. If the appointing authority fails to provide a written decision within the prescribed time, the written warning shall be removed from the employee's file.

Any written warning that has been issued to an employee is void and of no effect after a period of two (2) years if the employee has not been the subject of further disciplinary action with respect to the same area of

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performance, conduct, or discipline within the two year period. After a period of two (2) years, the employee may submit a written request to expunge the written warning from his or her personnel file. The request itself does not become a part of the employee's file.

Questions regarding this policy may be directed to the Employee Relations Division.